

The major defect has been the failure of Congress thus far to specifically authorize the Attorney General to invoke civil powers and remedies to supplement the existing authority for Federal criminal prosecution. Criminal prosecutions of course cannot be instituted until after the harm actually has been done. Yet no amount of criminal punishment can rectify the harm which the national interest suffers when citizens are illegally kept from the polls. What is needed is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election.

The proposed legislation would: (1) Prevent anyone from threatening, intimidating, or coercing an individual in the exercise of his right to vote in any election for federal office. (2) Authorize the Attorney General to bring injunction or other civil proceedings on behalf of the United States or an aggrieved person. (3) Eliminate the requirement that all state administrative and judicial remedies must be exhausted before access can be had to the federal court.

IV. AMENDMENT OF OTHER CIVIL RIGHTS LAWS TO INCLUDE THE ADDITION OF CIVIL REMEDIES FOR THEIR ENFORCEMENT - In attempting to achieve the constitutional goal of the observance of the civil rights, the Administration feels that it has been a mistake for the Congress to have relied so heavily upon the criminal law and to have made so little use of the more flexible and often more effective processes of the civil courts. Just as in the voting field (III above) the Attorney General can now prosecute after violations of the civil rights laws have occurred. However, he cannot seek preventive relief in the courts when violations are threatened or persistently repeated.

Congress could authorize the Attorney General to seek civil remedies in the civil courts for the enforcement of civil rights by a simple amendment. Existing statute authorizes civil suits by private persons who are injured by acts done in furtherance of a conspiracy to do any of the following things: (1) To prevent officers from performing their duties; (2) to obstruct justice; (3) to deprive persons of their rights to the equal protection of the laws and equal privileges under the laws.

A subsection could be added to that statute to give authority to the Attorney General to institute a civil action for redress or preventive relief whenever any persons have engaged or are about to engage in acts which would give rise to a cause of action under the present provisions of the law. Such an amendment would provide a procedure for enforcement of civil rights which would be simpler and more effective than the criminal sanctions which are the only remedy now available.

